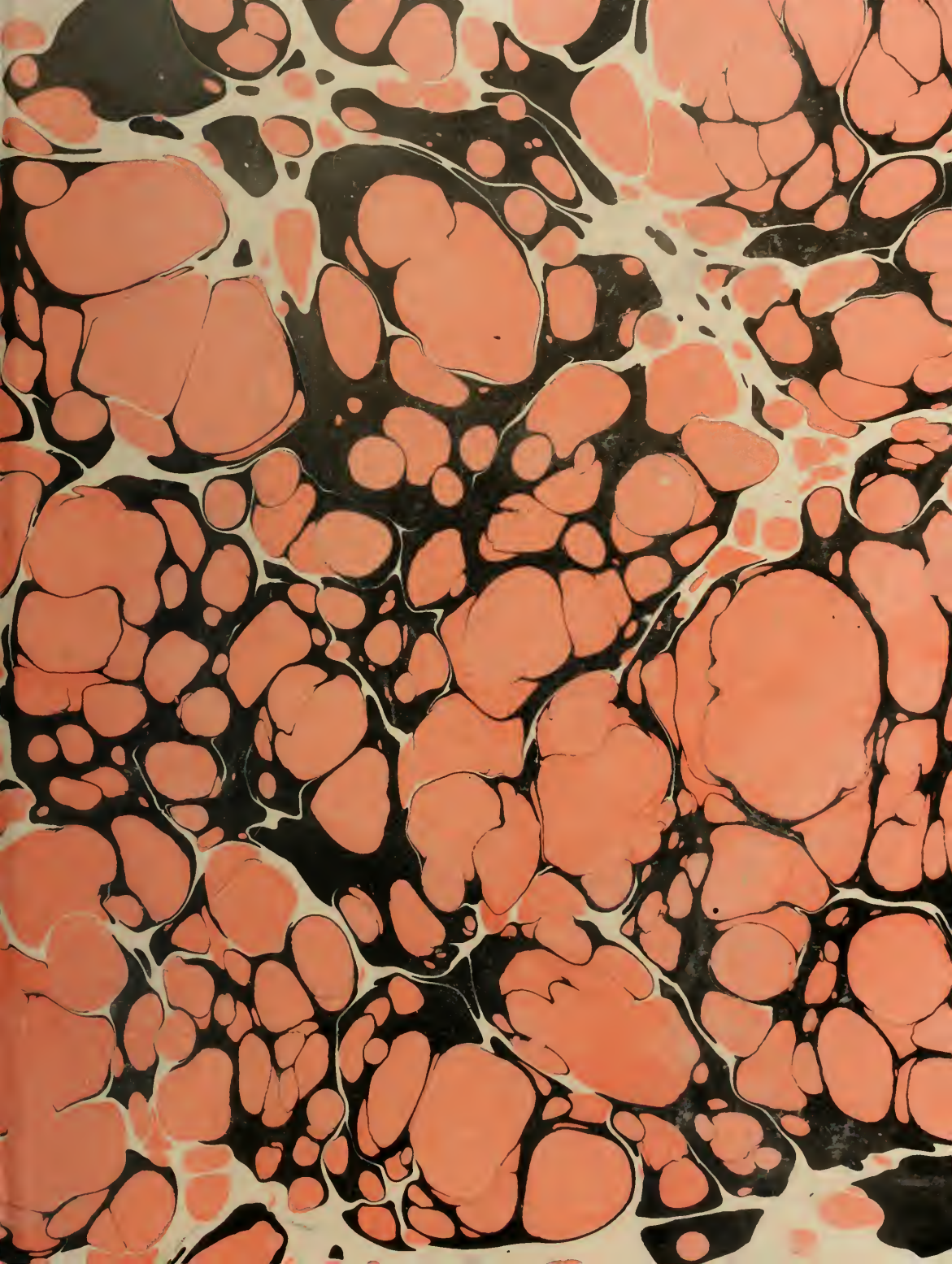

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THE Contra-Replicant, HIS COMPLAINT To His Maieſtie.

A Petition for Peace is preſented to the Parliament by ſome thouſands of Citizens; the Petition findes a peaceable anſwer; and that Anſwer (as I ſhall now ſet forth) is oppoſed by an unpeaceable Reply, but that time may be the better husbanded, and indifferent Readers the better ſatisfied, before I undertake the Replication it ſelfe, I deſire all men to be preadvertiſed of ſome few things.

Schollars have been very active in this unnaturall warre, both in rayſing and fomenting it; the tongue hath made ſome wounds as well as the hand; and the ſword had never been ſo keene, had it not been whetted by the Pen: but Schollars are not active on both ſides alike, (to ſhew their partiality, and intereſt in this cauſe) 'tis only on the Kings ſide, where the Pen and the Launce are both brandiſht in the ſame hand. And it is wiſely ordered, for the Kings Intereſt will be the more hopefully purſu'd when Schollars ſecond it with their Arts, and the Schollars Intereſts will be the eaſier gained, when the King ſeconds them with his Armes. But of all kindes of Learning Oratory is moſt relyed on: and of all kindes of Oratory, that is moſt made uſe of, which is moſt wantonly painted and dreſſed, and borrowes moſt from oſtentatious Art, and is therefore moſt unfit for buſineſſe, either of Law or State, becauſe it is moſt fit to inveagle, and deceive with its falſe graces and flouriſhes. The tongue of *Cyneas* was very advantageous to *Pyrrhus* in ſubduing Townes and Cities, but 'tis likely more of manly Logick then of effeminate

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feminate Rhetorick flow'd from that tongue of his, or elſe Townes and Cities in thoſe dayes were governed by very illiterate men. None but the duller ſort of people are to be catcht by pure Oratory, the wiſer ſort are well enough inſtructed, that when the Fowlers pipe playes moſt melodiouſly, the ſnare is coucht moſt pernitiouſly. That man is very unworthy to judge of Papers that cannot diſtinguiſh betweene foundations and ſuperſtructions, reaſons and Aſſumptions; that cannot diſcerne betweene prooving of premiſes, and purſuing of concluſions: and yet the chiefeſt fraud of the Orator is to paſſe over that part of the buſineſſe which requires moſt proofe, without proofe at all, and that which is moſt darke without light at all, and that which is moſt important without mention at all. 'Tis enough for the Orator to blazon the bloudy ſhield of warre in generall, when 'tis his ſole charge to diſpute who are the guilty cauſers and promoters of this particular warre: 'Tis enough for him to take it for granted, or at moſt upon his owne credit to affirme it, *That the Kings party of Papiſts and Arminian Clergy men and delinquents were firſt aſſayled by this Parliament, without cauſe or danger*; and ſo *per ſaltum* to proceed to venemous invectives, and curſed cenſures againſt the Parliament: when his maine taske is to proove either that a Parliament may in no caſe whatſoever defend it ſelfe, or that this warre in the Parliament is not defenſive. If wee peruſe all the papers which have come out in the Kings behalfe, under his name, or otherwiſe; we ſhall find nothing proper to be inſiſted on, but theſe two points, *That defenſive warre is unlawfull in Parliaments, or that this warre in the Parliament is not defenſive*; and yet nothing leſſe hath been inſiſted on; nay though the Fabricke bee vaſt that is built and raiſed thereupon, yet that which ought to ſupport all the fabrick is utterly neglected; ſo in this reply (now to be examined) if much be affirmed, yet little is prooved, and if any proofe be made 'tis of ſequels, not of premiſſes; 'tis of aſſumptions deduced, not of *Theſes* deducing: and 'tis plaine and obvious to all that the *Replicant* here pleads not as if he ſtood at the barre, but pronounces ſentence, as if he ſate on the Bench: We may juſtly therefore ſuſpect that he aymes not at the ſatisfying of wiſe men, but the dazelling of ſimple men, and that he would not daube with his fucuſſes every line, and embelliſh with his Careſſing Phraſes every ſentence, if he did not affect the pompe of Mr *Rhombus* the Pedant, rather then the gravitie of a Statiſt. The next Art of our *Replicant* is to impoſe thoſe his nude averments, which are moſt falſe and improbable, with moſt boldneſſe and aſſurance, aſſailing as it were thereby the beliefe of other men with armed violence. That it may paſſe for currant that *Farnham Caſtle was ſurprized contrary to the faith, and Treaty of Sir William Waller* (with whom no Treaty was ever entertained, nor ſpoken of,) it muſt be further averred, *That our ſide was falſe at Wincheſter, falſe in Yorkſhire, falſe every where*; but theſe things

eadem

eadem facilitate negantur, quâ affirmantur. Another advantage of the Kings party is by multitude of writings, invective and Satyricall: both the Universities are become mints of defamatory disgracefull papers, the Regiments of the Kings Pen-and-Inkhorne men, are more and fuller then of his sword-men; and though too many papers are scattered of both sides, yet those of the Kings are most of them serious, and done by able men, whereas those of the Parliaments side for the most part are ridiculous done by Sots, or prevaricators to the disadvantage of the partie. After these premonitions I come to the Replication it selfe. The substance of the Petition was *That the Parliament would tender such Propositions for Accommodation, as might be accepted with honour to his Majesty, and safety to the Kingdome.* The substance of the Answer was that the Parliament was truly and heartily desirous of a safe and honourable Accommodation, and for an instance of that their desire would seeke nothing from the King, but to enjoy the due essentiall Priviledges of his highest Court of Law and policie, which priviledge must needs qualifie and fit them rather to judge, then to be judged by any other inferiour partie. That a totall submission to the King, he being so farre addicted to a faction of *Papists* and haters of *Parliaments*, could neither be safe nor honourable. That to submit to the Kings party were to submit to the foes of Religion and Libertie: foes irreconcileable, and such as ever had been dangerous, and were now made more furious by bloud against the Parliament. That if the Petitioners being but a part of *London*, and that but a part of *England*, should in stead of an honourable safe Accommodation presse the Parliament to a dishonourable unsafe submission to the Kings party, it were a breach of publike trust in the Parliament to yeeld therein, the Parliament being trusted by the whole Kingdome, that if a just fit Accommodation be intended the King ought to trust the Parliament in part, as well as the Parliament ought in part to trust the King. That both parties being equally disarmed, the Protestants being lesse countenanced by the King, and more obliged in Conscience by oathes and agreements, would be more obnoxious to disadvantages, then that party wherein so many Papists are predominant. That though the Parliament might submit, yet a faire Accommodation it could not obtaine, except the King would equally condescend thereunto. That if the Petitioners had found out a more safe and honourable Accommodation then the Parliament had yet discovered; (for that was possible) the Parliament would embrace it; That if none such could be found out, the affections and Judgements of the Parliament ought not to be censur'd or distrusted. That it behooved the Petitioners to addresse themselves by the like petition to the King, if no want of affection to peace were apparent in the *Parliament*, as certainly none was.

In contradiction and opposition to all the severall poynts in this Analysis,

what the *Replicant* hath set forth, wee shall now see in the same order.

1. The *great contrivers of our sad divisions, which abuse the weake reason of the people, to keepe up an unfortunate misunderstanding between King and Subject* are not named by the *Replicant*; but they are clearely pointed out *to be the Chiefe Lords and Commons in Parliament:* for he saith, *Every new Vote of late hath been a new affliction:* and *he makes Pennington and the Citty Lecturers to be but Iourney-men Rebels under them:* and even this Hellish slander he venteth *under the name of the Petitioners, whom he stiles the most considerable persons of the Citty*: and at the same time affirmeth, *that the people generally are of honest affections. And the Answer to the Petition in which, the words* (he saies) *are softer then oyle, though the matter of it be poison of Aspes, he attributes only to some Chiefe Engineers of mischiefe in the House, though it carry in it the Authority of the whole House.* Here is a wonder beyond all wonders. A few factious persons in Parliament over-awe the major, better and wiser part in Parliament; and by a few factious Instruments in Citty and Countrey abuse the major, better and wiser part there also into the most miserable distempers and calamities that ever were; and though the honest generality begin to grow wiser and are instructed by the sence of their miseries, and by other advertisements from loyall Papists and Prelates, and other pious Courtiers and souldiers to shake off their few Tormentors: Nay, and though the King himself has not only published the most eloquent and subtill Declarations to disabuse the people, that ever were (himselfe being the most beloved and honoured Prince that ever was for his indulgence to Liberty and Religion) but hath also advanced a most puissant and victorious Army to releeve these undeceived wretches; yet the incantation holds, no humane force either of Armes or Arts can dissolve it. The miracles of *Moses* had an impression of divine vertue upon them, and did therefore triumph over all the Egyptians spels: but in this case, Mr *Pym*, with I know not what infernall engines distorts and wrests all the Orbes of a Kingdome from their naturall motions; and yet no divine Art can resist him. 'Twas never beleev'd before that any but God could work contrary to nature, but now it must be beleeved. But is it so apparent that the Parliament is averse from peace? yet saies the *Replicant*, *For withdraw the fuell, and the fire is soon extinguisht: Let the Parliament not foment the ill humour (by supplyes of men, Armes and Ammunition) and the wound will heale of it selfe.* In the petition, nothing but an Accommodation, safe and honourable was pretended, but now we see a meere submission is intended in this replication.

Tis not prooved: That the Armes of the Parliament are unjust; 'tis not prooved, that it may be safe for the Kingdome to prostrate, and subject Parliaments to the discretion of that faction which now has bereav'd us of the Kings presence and favour, yet because the Replicant will take upon him to condemne Parliaments; we must also allow of his Judgement. But

But 'its further say'd by the Replicant, *that even Accommodation it selfe is not pleasing in Parliament, witnesse that speech of one, I like not daubing:* and that of another, *I hate the name of Accommodation.* Hee which hates the name of an Accommodation as it has been used of late to signifie a totall submission, may love a true Accommodation in it selfe: and he that likes not the daubing of those which under the colour of Accommodation ayme at nothing but division and dissention amongst the people, may more heartily affect a safe, and honourable agreement, then the Replicant himselfe.

Can the Parliament expresse zeale to peace better then by contracting all its rights and priviledges into one compendious proposition, for the setling of union? To purchase true peace, the Parliament desires nothing but to retain the meere being of a Parliament; that is, to be the supreme Court of King and Kingdome. And if it can stand with the essence of such a Court to be arraign'd, tryed and sentenced by a faction of Papists, Prelates, Delinquents, and Souldiers, the Parliament will submit to that Condition also.

2. When we expresse our feares of the Kings party, and therefore deny submission thereunto as dangerous and dishonourable, the *Replicant* tels us further, *we are required not to submit to our fellow subiects, but to the King only:* and he tels us further, *that the Lawes are the best security, and those we shall enioy, and to claime any higher securitie is to assume the power of Kings.* How farre the Lawes of the Land have been sufficient to preserve to Parliaments, and the better part of loyall Protestant subjects their rightfull portion and interest in the Kings favour, for these 17. yeares last past, is knowne to all; The Lawes of *Scotland* could not secure the better and greater part there; The Lawes of *Ireland* have not saved the Brittaines and Protestants from Massacres there: and yet certainly both those Kingdomes are intitled to Lawes of as ample benefit, and vigour as ours now is. But what speake we of Common Lawes, when even at this instant such a free subjects house is burnt and plundered by the Kings party, in derision and despight of the Kings owne Proclamation and particular *Placard* granted for the safegard of himselfe and his family? As our Judges preyed upon us heretofore in matters of State, and Divines oppressed us in matters of Religion: so our Martialists now have a power of spoyling above the generall Law, or any particular protection. If the King thinke fit to grant safety to such a person, or such a Towne, it must be provided alwayes that such a Dutch or Scotch Commander, who conceives himselfe more skilfull in war then the King give his approbation withall; for my part I conceive it more honourable for the King to say that he cannot, then that he would not save his people from all those cursed indignities and cruelties which have been multiplyed upon us during this warre, and before, by his adherents. As for Lawes therefore we must take notice that they may be imployed either to the benefit or preju-

dice of any Nation, and that they themselvss do require to be regulated by further Lawes. No Nation can be free without a three-fold priviledge: The first is in the framing and passing of Lawes. The second is in declaring and interpreting Lawes. And the third is in executing and preserving Lawes in force. Where the King is sole Law-maker all things are subject to his meer discretion, and a greater bondage then this never was nor can be; the *English* lie not under such base servitude, their King claimes but a part in the Legislative power: and yet nevertheleſſe of late by discontinuing of Writs for the summoning of Parliaments, and by the right of a Negative voyce in Parliaments, and an untimely dissolving of Parliaments, the peoples interest in this Legislative power has been much abridged and suspended. In the like manner also if the sole power of declaring Lawes were so in the King as that he might himselfe give Judgement, or create Judges at his pleasure without imposing Oathes of trust on them in behalfe of the people, or should deny redresses upon Appeales from them, our Legislative power would be vaine and uneffectuall to us. For my part I hold it an equall thing, whither just men make Lawes and unjust interpret them, or unjust men make Lawes and just interpret them. When it was just in the King of late to impose what taxes hee pleased, and as often as he pleased upon us for the preparing of *Armadoes* all over *England*. Our Nation was fallen into a most desperate thraldome, yet the fault was not then in the Lawes, but in the Judges, and such as had a power over the Judges, Lawes as they are deafe, and by a strict inflexibility more righteous then living Judges, so they are dumb also, and by their want of Language more imperfect then the brests of men. And indeed since the Lawes of God and Nature, though knowne to all, yet do not utter to all the same sense, but remaine in many plaine points strangely controverted, as to their intent and meaning; how can we hope that any humane Lawes should satisfie all mens understanding in abstruse points, without some living Key to open them? the vast Pandects and digests of the Law sufficiently testifie, that in the clearest Law, which mankind could ever yet discover there are dark and endleſſe Labyrinths, wherein the weaker sort of lay men are presently lost, & the learnedst advocates are tediously perplext.

In the last place also if the sole power of inforcing and executing Lawes were so vested in the King, as that he might use it to the cessation or perversion of all justice, and the people were in such case remedileſſe, the interest in making and declaring of Law were invalid, and frustrate in the people, and the King might still inslave or destroy them at his pleasure. The *Replicant* sayes, *That under a Monarchy much must be trusted to the King, or else it will be debased into Democracie.* Tis confessed much must, but all must not be trusted: the question then is, how farre this *much* extends in a Monarchy of such a mixt nature as ours is, in such times as ours now are?

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In absolute Monarchies all is trusted to the King: in absolute Democracies all is vested in the people: in a mixt Monarchy more is trusted to the King, then is reserved to the people; and in a mixt Democracie more is reserved to the people, then is derived to the Prince. In all formes of Government the people passes by way of trust, all that power which it retaines not, and the difference of formes is only in degree, and the degrees are almost as various as the severall states of the world are, nay the same state admits of often changes many times, sometimes the people gaines, and sometimes looses, sometimes to its prejudice, sometimes not; and sometimes injuriously, sometimes not; but the degrees of ordinary power consist in the making, declaring and inforcing Law, except when forraigne warre is, and then it is expedient that a greater and more extraordinary trust be reposed in one, and this we see in *Holland*, the most exact Republicke, and in *England* the most exact Monarchy in the world. But it is a leud conceit of our Royalists now adayes to attribute to our King an absolute power over the *Militia* of this Land at all times alike, not distinguishing between Civill warres, wherein he may be a party, and suspected; and between a forraigne warre, where he is neither a party nor suspected: for if our Kings will plead such a trust to our disadvantage, 'tis just that they produce some proofe for it, and relye not upon meere Common use, 'tis true in case of Forraigne invasion, 'tis expedient that the King be farre trusted, and yet even so, if the King should conspire with forraigne forces, or neglect to protect us against them, contrary to the intent of his trust, we might resume the common native *Posse*, or *Militia* of the Land, for our owne defence without his consent. And much more reasonable is it in time of Peace, or Civill warre, if the King will deny his influences, or withdraw his presence, to obstruct Law, or will by his Negative voyce, or by force seeke to disable his highest Courts and Councels, and reduce all to arbitrary government: more reasonable is it, that the people secure to themselves the Law, their chiefest portion and best patrimony. For as the King cannot by Law deny to the people their undoubted interest in passing of Lawes; so neither can he defeat the same interest, or destroy the benefit thereof by misinterpretations, or by mis-executions of the same Lawes. No Nation can injoy any freedome but by the right and share which it has in the Lawes, and if that right and share doe not extend to the preservation of Lawes in their true vigour and meaning, as well as to the Creation of them, 'tis emptie and defeasible at the Kings meere pleasure, *Much is to be trusted to the King:* true, but all is not (we see) trusted, some power we see is of Necessity to be reserved in free Nations, such as the King allowes us to be, and there is a difference also in the word *Trust:* for there is an arbitrary, and there is a necessary *Trust*, and the one may be resumed; the other not upon meere pleasure. Without all question, the wiser and juster

Princes

Princes are esteemed, the more the people ever trust them, but this makes no difference in the Legall and fundamentall *Trust* of the Kingdome, nor can infirme credulous, and easie Princes pretend alwayes to the same degree of power as their Ancestors have held, unlesse they can prescribe to their vertues also. Queene *Elizabeth* might with safety and expedience be trusted further then King *Iames*, even in those things where the Law did not trust her: but this is the misery of subjects, all goes from them, but nothing must returne: The Court of a Prince is like the Lions den in the Fable, all the beasts leave prints and steps *adversum* but none *retrorsum*. But the *Replicant* further assures us, *That tis very easie to assigne the bounds of these severall trusts: for the Lawes and Customes of the Land determine both: nor will his Maiestie* (he saies) *require any new trust to himselfe, or deny any old trust to us.* Our great Divines were to bee admired for their profound knowledge in the mysteries of Law were they not Courtiers: but now the King is presum'd to comprehend *omnia jura in scrinio Pectoris:* and so they by their residence at Court discerne all the secrets of Law and State *in speculo Imperii*, just as our heavenly Saints doe read all things else *in speculo Trinitatis*. Our gravest Sages of the Law are much divided in points of lesse moment and intricacie, and as for the precise metes and bounds, where Soveraignty and Liberty are sever'd, and the direct degrees of publike trust in all cases, and at all times, they looke upon them as grand difficulties, scarce fit to be debated but in the sacred Court of Parliament; and yet Clergie-men think them but the first rudiments of all knowledge, obvious to very A.B.C. *Darians*. They alwayes boast of the knowne Lawes of the Kingdome, in all disputes they referre us to the knowne Lawes and Customes of the Land, as if Judges were things utterly needlesse, and the study of Law meerely superfluous. The Treshault Court of Parliament, of whose determination our learnedst Judges will not thinke dishonourably, cannot pierce into these known obvious Lawes, and yet every Sophister can: the Fountaines of Justice are now exhausted, and yet the Cisternes remaine full. But saies the Replicant, *If you seeke further security then the knowne Lawes, the people will see that under the name of free subiects, you take upon you the power of Kings.* Sir, we desire to have our Lawes themselves secured to us, which you may turne like our owne Canons against our selves, if righteous and prudent Iudges be not granted us, and all over-awing violence so prevented, as that the fruit of their Iudgements be clearely and intirely conveyed to us. And such securance is not incompatible with Monarchy; for it is no more impeachment to Monarchy, that the people should injoy then make lawes; that they should be sharers in the power of declaring and executiug, then in the power of passing & framing lawes: but it is on the contrary an evident impeachment

to

to liberty, if an equality of these three Priviledges be not at least shared with the people.

3. As for the diametricall opposition in Religion and State betwixt us and our irreconciliable enemies of the *Kings* party. The Replicant maintaines divers things: and of the Papists and Delinquents he sayes, *That we have nothing against them, but State Calumnies: That the same justice may governe both, if wee will submit to Law. He beseeches us to tell what Religion we would have: if that which the Martyrs sealed with their blood, our Adversaries practise it, and desire severe punishment upon all such as transgresse it: he imputes to us a new Creed: he sayes the King is to look upon friends or enemies in a Law notion only, that Subjects must not give Lawes to Princes courteses: That our enemies, if they be Traytors, are to be tried at the Kings Bench, the house of Commons having no right of Judicature.*

The major part of our enemies are certainly either Papists, or else such as are either over-awed or outwitted by Papists. Tis true, some part of our enemies knowes the truth of the Protestant Religion, and the desperate antipathy of Papistry; yet having in them the true power of no Religion, but serving Mammon only, for their worldly interests sake, (with which severity of Parliaments will not square) they adhere to Papists, little regarding what Religion stands, or what falls. Another part out of meere ignorance is carried away with the name King, and the Professions of the King, not at all looking into reason of State, nor being able to judge of the same: but the last sort of men are not so considerable, either for their number, or power, or malice; and therefore I shall not insist upon them.

The maine Engineers in this Civill Warre are Papists, the most poysonous, serpentine, Iesuited Papists of the world. All the Papists in *Europe* either pray for the prosperity of this designe, or have contributed some other influence and assistance to it. This warre was not the production of these two last yeares, nor was *England* alone the field wherein the Dragons teeth were sowd. *Scotland* was first attempted, but the Protestant party there was too strong for the Papists, and such of the English as joyned with them. The conspiracies next broke out in *Ireland*, where the Popish party being too strong for the Protestants, the Tragedy has been beseeming Papists, it has proved beyond all paralell bloody; and if shipping were not wanting, they might spare some aids for their fellow Conspirators here in *England*.

England is now in its agony, bleeding and sweating under the sad conflict of two parties, equally almost poized in force and courage.

The Papists themselves in *England* amount not to the twentieth arithmeticall part of Protestants, and yet one papist in geometricall proportion may stand against twenty Protestants, considering the papists with together with their adherents, and considering also what they are that act over them, and who they are that act under them. What power the Romish Vice-god has in the Queen is known, & what power the Queen has in the *King*, and what power the King and Queen have in the prelaticall Clergy, and the Clergy in them reciprocally, and what power the *King*, Queen and Clergy have on a great number of irreligious or lukewarm protestants (now made Delinquents and so further engaged) as also upon all papists, & how all these have interests divided & intwined & how restlesly active they al are in pursuing their interests is not unkown.

Besides *Ireland* is a weakness, & *Scotland* is no strength to us: all popish countries *France*, & *Spain* &c. are likely to annoy us, and the protestants in *Denmark*, *Holland* &c. have not power to restrain their Princes from combining further against us. In this deplorable condition we have no friends to complain to, and yet this Replicant tels us, *we have no enemies to complain of*; our very condoling against papists and delinquents, he tearms *State calumnies, and slanders that have lost their credit by time, and are confuted by experience.* O thou black mouth, more black then thy coat, hast thou no more remorse for all that protestant blood, which delinquents have enabled papists to shed in *Ireland*, and for all that protestant blood which armies of papists and delinquents are now ready to shed in *England*? if all this blood finde no pity in thee, yet is it an offence to thee, that it extorts teares and lamentations from us? O thou unbowelled sanguinary wretch, if God be the God of protestants, he will judge these cruelties of papists, and their abettors: and if he be the God of papists, we know our slanders and calumnies cannot deceive him; wee submit our selves and our cause to his revenging hand. But thou wilt say, *the Kings party in this warre are good Protestants, and we are Anabaptists, &c.* The tyranny and superstition of Bishops has driven some of our tender and stricter protestants into utter dislike of Ceremonies, and that pompous, or rather superstitious forme of Church discipline which has beene hitherto used in *England*. Some of us desire an alteration of some things in our Lyturgy, by advice of a learned and uncorrupt Synod: others perhaps scruple Church musick and any set forme of divine service, to be imposed of necessity, liking better the single order of *Scotland*. What new Creed is there in all this, or what change of Religion were this, if there were any great numbers of men so opinionated? But it is well enough knowne to

our Adversaries, that there is not one man of both Houses of Parliament that is violent against all publick set formes of prayer, or that forme which is now in use, or that desires any alteration of Doctrine in Essentialls, nay nor of Discipline, except in things very few and inconsiderable. And it is well knowne that the Parliament, as it would loosen the rigour of Law in some scruples for the ease of tender consciences, so it abhors utterly all licentious government in the Church, and all by-wayes of confusion. In the City the *King* has instanced in *Pennington*, *Ven*, *Foulk*, and *Mannering*, as notoriously guilty of Schisme, and doubtlesse they were named for want of worse: try these men now by the old Creed, or by the nine and thirty Articles; nay, examine them concerning the Common prayer Book, and it will soon appeare how farre they are strayed into Brownisme, or any other Schisme: it will appeare how they are wounded in schismatick, and all protestants in them, and the true Religion in us all: it may be they have not put pluralities, or the Parliamentary Votes of Bishops into their Creed; it may be they have reserved no implicite faith for Convocation acts, and Canons, which the Replicant may perhaps judge very irreligious; but they hope this never had any anathema pronounced against it in the old Church by any Councell before Antichrists dayes. Let not railing passe for impleading and condemning, and we will all be tried in the same manner, and if any new Creed be found amongst us, differing in substance from the old, let our adversaries themselves give and execute sentence upon us. If Brownists could be as well distinguisht and nominated in our Army, as papists are in the *Kings*, or were really as many and as far countenanced, we would distrust our cause; whereas we now beg no otherwise the blessing of God upon our Armies, then as we are enemies both to Popery and Brownism. Dares our Replicant make such a prayer? no, somtimes *he owns Papists*, and somtimes he seemingly *disowns them*: speaking of the *Kings* party, once he saies, *As for the establisht religion we will become suiters to you, that you will severely punish all persons whatsoever that transgress against it*. Papists certainly have transgrest against our religion; if the rebellion in *Ireland* be a transgression, or if the instant taking up of arms here against the parliament be a transgression; yet see at the same time, when they call us to punish the papists, they themselves arm & enable papists to punish, nay to destroy us, is this all the ingenuity we shall expect? well, to our law notion: it is argued in the next place, *that a Papist fighting for the King, though in a notion of Theology, he may be accounted an enemy* quatenus *a Papist, yet in understanding of Law, hee was accounted the Kings friend, as to his fighting*: Priest squires Doctrine just, *hee that fights for the King,*

or rather at the Kings command, let the cause be what it will, he is the Kings friend.

When *Saul* gave a furious command to fall upon the Priests of *Iehovah*; amongst all his servants, he had no entire loving freind but *Doeg*: so when his unnaturall rage incited him to take away the life of *Ionathan*, the whole Army that defended *Ionathan* were his foes, and if it had proceeded to parties (as it had, if *Saul* had had as many *Idumeans* in his service as King *Charles* now has) those onely which had been the execrable instruments of the *Kings* Tyranny, had been the *Kings* friends, and had fought for their King: so those six hundred men which adhered to *David*, out of a pious intent, to preserve his innocent soule from the bloudy hands of *Saul*, and his three thousand impious murderers; and the *Keilites* also, if they had been faithfull to *David* (as they ought to have been) were guilty of Treason and drew their swords against their master. But I expect now that the Replicant insist upon the Iustice of the Kings cause, *as not taking armes to master the Parliament, but to defend themselves against the Parliament:* this if it could be proved, would over-rule all, but it being in question, and as resolutely denied by one side, as affirmed by the other; the Replicant must evince by reason all that he expects to gaine from us. 'Tis not so probable that a Parliament should invade a King, as a King a Parliament: 'Tis not so probable, that a Parliament should be misled, and have ends to enrich it selfe by oppression as a King. 'Tis not so probable, that that Army which consists all of Protestants, should be so adverse to the reformed Religion, as that which admits and favours all Papists and Delinquents: Tis not so probable, that that Army which is raised and payed by Parliament, that is by the flower of all the English Nobility and Gentry, should fight for Arbitrary government, and against propriety, liberty and priviledge of Parliament; as that which hath nothing considerable, but rapine and pillage to maintaine it. If many evidences of facts, many pregnant proofs, and many lively circumstances of time and place, did not absolve the Parliament of trayterous conspiring against the *Kings* Crowne, Dignity, and person; and convince *Digby*, *Percy*, *Iermin*, and divers of the Kings and Queens party, of conspiring against the priviledges of Parliament, and the lives of many of our noblest Pariament men. If all other arguments did faile, the very invitation of *Papists* to the Kings Standard, & the rising of the *Papists* with such generall consent now, that all *Ireland* is almost lost to the papists, and some hopes were else to recover it, would sufficiently assure me, that religion and liberty stand in more danger of the Kings party, than of the parliaments.

I could not with more cleare and cheerfull confidence die for the truth of the protestant Religion, then for the Iustice of the parliaments cause in this warre, *noscitur ex Comite, &c.* Let the papist plead for the Delinquent, and the Delinquent for the papist, those ends which have so closely cemented, and kindly incorporated both together, make a sufficient discovery to me, as well what the papist, as what the Delinquent is. And this age must prove monstrously unnaturall, in producing a wonder never heard of in all former ages, if Iustice doe now rest on the Kings side; For surely, no *King* ever till now, having a iust cause, was opposed therein by the maior and better part of his subiects; much lesse was it ever seene or heard of, that any King in a iust cause was deserted by the maiority of his Orthodox subiects, and supported by the unanimous aid of such, as hated his true protested Religion. God send the *King* to lay these things seriously and pensively to heart, for since none of his wise and worthy Ancestors ever yet had cause to wage war either with the Collective or Representative Body of the *People*: so none at all ever in any warre sided with a false Religion, or against the true, till this unhappy day; in the King *Charles* is the first, and I hope will be the last, and therefore this is worthy to make a sad impression upon his soule. But our Replicant will tell us, *That the Kings Iustice may yet govern and awe both parties by the same Law, whatsoever their antipathy be.* The *King* has Law, and power by the Law to protect the better partie, and to provide for the peace of both parties: But notwithstanding that Law and that power the poore British *Protestants* in *Ireland* have beene left unprotected, and lamentably exposed to a generall Assassination: And had they not beene betrayed by their vaine confidence in the Law, and in the *Kings* protection, they perhaps might have found other meanes to defend themselves; therefore it is no refuge or comfort to them now, to hear the name of Law proclaimed & reiterated, when as things hapned there, it has been the very shelfe and rock whereon the *Protestants* have been miserably bulyed and wricked; then pardon pray, if the same name of Iustice also sound but harshly at this time in our eares: when papists which have destroyed our religion in *Ireland*, are raysed to preserve it in *England*; and protestants which were sending succours and supplyes into *Ireland*, are in the instant invaded here in *England* for the better suppression of Popery both here and in *Ireland*; Tis a strange kinde of assurance or ioy to us, to see the names of Religion, Liberty, and parliamentary priviledge, stamped upon our coyne, or interwoven in our Standard, when at the same time, we see the same Coyne impressed for the entertainment of a *Popish* Army:

and the same standard marching against the representative body of our Nation, and the supreame Court of Iustice in our State. Nay, and the strange time that is taken for the righting of Religion, Law and Liberty amongst us, makes our assurance, and joy the lesse triumphant, for we plainely see, that as the season now is, no one Protestant falls here by the Kings sword; but by the same stroak three Protestants at least are cut off in *Ireland*. And lastly, the manner of righting Religion, Law and Liberty, is most strange of all, for open warre is not now sufficiently destructive, though it be spread all over the face of the Kingdom; subterranean plots are brooded further in the dark, and by privie intelligence, the whole City of *London* is to be engaged in a tragicall conspiracy, to murder it selfe in one night: What the benefit therefore is of Law and Power, and Iustice for the disabling of Papist and Delinquents, and for the safe guarding of loyall Protestants we all know: But when papists and delinquents finde countenance, and the true religion is abandoned, and left obnoxious to mischiefe by the perversion of Law, Power and Iustice; the names alone will not availe us, but our Replicant further saith, *Subjects must not give Lawes to Princes courtesies*. In matters of a private nature Princes are absolute, but not so in publike affaires, where the publike safety or liberty is touched. In their own pallaces Princes may dispose of Offices, but in the State if they make Patents prejudiciall to their revenues, to their prerogatives, or to the peoples interest; the Iudges shall pronounce them deceived in their grants, and make the deeds void and null in Law. Princes cannot alien any parcells of their Crownes, *Hull* may not be transferred to the King of *Denmark*, nor *Portsmouth* to *France*, nor *Falmouth* to *Spaine*, for Kings have no sole propriety in such things, and the same reason is in the superintending Offices of Royalty it selfe; they are not transferible at pleasure: Some Princes (to use the words of *Tacitus*) are so infirme and credulous, that they remaine *jussis alienis obnoxii*, and *non modo Imperii sed libertatis etiam indigent*, they are so enslaved sometimes to their baseſt flatterers, that their very Diadems are as it were aliend and made prostitute to seducers, and these their flatterers and seducers (in the expressions of the same *Tacitus*) *Minore metu & majore pramio peccant*.

The unhappy Protestants in *Ireland* were of late undone by the vast power which was put into the hands of the Earl of *Strafford*, and all the Ecclesiasticall, if not Civill disturbances and distractions which have of late infested these three Kingdoms, were in great part caused by excesse of power over the Church, delegated to the Archbishop of *Canterbury*

Without

Without doubt when the foundation of *Popery* was first to be laid, it did not prosper and advance so much in fixscore yeers under the first Popes, as it did in six yeeres here under *Canterbury*: And *Nero* himselfe in his first three yeeres did not attaine to so much insolence and tyranny as *Strafford* did in one yeare.

The Kings freedom therefore in favours will never justifie the preferring of such men, to an unquestionable command, nor the subjecting the lives, liberties, and soules of so many millions of Religious *Protestants* to their corrupted disaffected wills: Nevertheless, for ought I can see we have since but changed one *Strafford* for another, and one *Canterbury* for another: Only to stop our complaints: This Replicant tell us, *That the courteſies of Princes are not to be queſtioned by ſubjects.* The Queen has now attained to a great heigth of power as formidable as she is to us, in regard of her sex, in regard of her Nation, in regard of her disposition, in regard of her family, in regard of her Religion, and lastly, in regard of her ingagments in these present troubles; some think shee has an absolute unlimitable power over the *Kings* sword and Scepter; which if it bee so, no end of our feares and calamities can be, no propositions can profit us, no Accommodation can secure us. If the King himselfe were a *Papist*, he would yet look upon us as his naturall subjects, but when his regall power is secondarily in the hands of a *Papist*, to that *Papist* we appeare but as meere hereticks without any other relation of subjects: By secondary power also, a stroak is given with more secresie and security; so that there is the lesse feare in the party striking to break and retard its violence: It issues like a bullet, whose line is not direct, but with some elevation in the ayre, or with some windings in the barrell of the gun, whereby it doth more execution at a further distance. Therefore our Kings many and dreadfull Oaths and Vowes of sincerity in the *Protestant* Religion are not satisfying, if in the mean time any of his Kingly prerogative bee shared with such as are not sincere in the *Protestant* Religion; it were farre safer for us that hee would sweare for his party, then for himselfe.

But our Replicant will never have done with the Law, hee still tells us, *That every man is to bee tryde by his Peeres the Lords in the Lords Houſe, and the Commons at the Kings Bench, and though the Houſe of Commons have no right of Iudicature, yet there is another tryall for Treaſons, and our moſt point in difference at this time is concerning Treaſon.*

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The Parliament is nothing else but the whole Nation of *England* by its owne free choice, and by vertue of representation united in a more narrow roome, and better regulated and qualified for consultation then the collective body without this art and order could be. The Lords and Commons make but one entire Court, and this Court is vertually the whole Nation: and we may truly say of it, that by its consent Royalty it selfe was first founded, and for its ends Royalty it selfe was so qualified and tempered, as it is; and from its supreame reason, the nature of that qualification and temperature ought only to be still learnd, and the determination thereof sought. For who can better expound what Kings and lawes are, and for what end they were both created, then that unquestionable power, which for its own advantage meerly gave creation to them both? If *K*ings and nationall lawes had any humane beginning, if they be ἀνθρωπίναι κτίσεις, as the Scripture sayes they are, they had not their being from themselves: and from nations collectively taken they could not have their being; for nations so are not congregable, nor consultable, nor redeemable from confusion (pardon the hardnesse of words) and therefore it must follow, that both *K*ings and laws were first formed and created by such bodyes of men, as our *P*arliaments now are; that is, such Councells as had in them the force of whole Nations by consent and deputation, and the Maiesty of whole Nations by right and representation.

The enemies of *P*arliaments seeing this not to be gain-said, and seeing that it must needs follow, that that cause which first gave the being, and prescribed the end of that being, must needs have most right and skill to limit, and direct the manner of that being: they seek to divide the coactive from the representative body of the people: they seek to divide between the two houses of *P*arliament: and these seek to divide between the head and the body of the *P*arliament. They perswade the multitude, that they have entrusted the *P*arliament only with their purses to give away subsidies, and repleniſh the *K*ings coffers; but not to settle their rights and franchises, and to make knowne the bounds of *P*rerogative, and restraine the unnaturall encroachments or erruptions of the same. If the community have beene agrieved to complaine, or almost accuse, is a sufficient priviledge of the house of Commons, and this, but to avoid further repining, shall not be granted them. Tis pity that our Doctors doe not study the Law further; for with a little more industry, they might perhaps finde out, that every private man as well as the house of Commons, or the whole Community out of *P*arliament, as well as our Knights, and Burgesses in it, may

give

give the King money, and if occasion be, preferre an accusation against such a tyrrannicall Lord or favourite; well, if such Rabbies, and expounders can satisfie any of the unworthy vulgar, and some Gentlemen, and Lords who have spirits below the Yeomanry of *England* (for such I have seene too many since 3. *Novemb.* 1640, they shall be no further disabus'd by me. In the next place, *They attempt to work a disunion between the Houses, the Lords shall have a power of Judicature over their Members so they will exclude the Commons from any part therein; and upon condition that they will so farre disclaime them, as to leave them obnoxious for tryalls at the Kings bench*; This sitting of the Lords and Commons in severall Houses, does not prove them severall Courts, nor does the observance of particular Priviledges in either House, and not laying all things common between both, prove any independance of either: doubtlesse they are like the twines of *Hippocrates*, they both must live and die together. In former ages judgement was so given upon the greatest Delinquents, at that the Commons were parties in the judgement: And sure, whilst they were Judges over Lords, themselves were not subjected to inferiour Courts: the Lords then knew they could not indure any indignity to fall upon the Commons being but distinct parts of the same Court, but it would reflect upon themselves; and the Commons knew that the honour of the Lords was an addition to themselves, whilst the *Curiatii* stand close together, their three adverse Combatants are too weake for them; but when they are divided by unwarinesse in the encounter, they prove all three too weake for one of their enemies. I will not make any comparisons, or say whither the Lords or Commons deserted by the other suffer more; I will only say, that nothing but fatall want of policy, can divide or diminish their mutuall love and correspondence.

In the last place, *division also is raised betwixt the King and Parliament*; there is a generation of men which seeke not the good of King and Parliament; nor could prosper if the King and Parliament were united as they ought to be. These men because their suggestions cannot prevaile to alienate the Parliament from the King, apply all their indevours to alienate the King from the Parliament: their perpetuall suggestion are, *That the greatnesse of Kings is eclipsed by Parliaments, That there is in Lawes themselves a kind of enmity, and something that is inconsistant with royalty, That Kings are bound to seek nothing but themselves, That Kings can seeke nothing in themselves, so nobly as the satisfying of their wills, e-*

specially

ſpecially when their wills are fixt upon things difficult and forbidden. Nevertheleſſe, there is nothing but falſety in all theſe ſuggeſtions. For Princes are the Creatures, and naturall productions of Parliaments, and ſo are their Prerogatives as has been ſet forth, and every rationall and naturall thing loveth its own off-ſpring, and that love is rather *aſcending* then *deſcending*, it is liker the ſap of the root, then of the branch, viz. *The people are more inclinable to love Princes, then Princes to love the People*; There is likewiſe a neare conſanguinity, and reflexive benevolence of aſpects between Lawes and Princes, they are both of the ſame deſcent, and tend to the ſame end, and both are inviolable, whilſt they are aſſiſtant each to other; the enemy of both has no hope to prevaile, *Si attribuat Rex legi, quod lex attribuit ei.* Tis retrograde alſo to nature, that Princes whom God has ſet to feed his people, and not without the creation of the people, ſhould think themſelves more valuable then that people; or that they ſhould confine their thoughts to themſelves as Gods, deſpiſing the univerſality, when God has called particular ſubjects *their brethren, and forbidden them to lift up their hearts above any of them.*

Laſtly, that Princes which have as other men, ſinfull affections, and are ſubject more then other men to ſinfull temptations, and are accountable to God therefore, in a higher degree then other men, ſhould think it inglorious to deny their own irregular wills, and to ſubmit to Lawes, Parliaments, and the Publike prayers and advice of their ſubjects, 'tis a thing ſcarce credible. The moſt expert Navigator preferres the guidance of his Needle before his own conceit; the moſt tried Engineer wholly relies upon the certainty of his rule. All Artiſts how rare ſoever apply themſelves to their Inſtruments, abſolutely renouncing their skill and experience in compariſon of Mechanick directions. Only Princes chuſe rather to erre with their own fancies and fancy feeding flatterers, then to go right with publick advice, and no miſchiefe, which can happen to themſelves, and millions of others by their error, ſeems ſo unkingly to be ſuffered, as a retractation from error. But our Replicant has more particular objections againſt Parliaments, *As firſt, That they have no cognizance of matters of State: ſecondly, That in matters of grace and pardon they have no power or right: the King in thoſe, has an Arbitary ſole authority.*

Lawes ayme at *Juſtice*, Reaſon of ſtate aimes at *ſafety*; Law ſecures one ſubject from another, Law protects ſubjects from inſolence of Princes, and Princes from ſedition of Subjects, ſo far as certaine rules may be gi-

ven and written; but reason of State goes beyond all particular formes and pacts, and looks rather to the being, then well-being of a State; and seeks to prevent mischiefe forraign as well as Domestick, by emergent Counsels, and unwritten resolutions. Reason of State is something more sublime and imperiall then Law: it may be rightly said, that the Statesman begins where the Lawyer ceaseth: for when warre has silenced Law, as it often does; Policy is to bee observed as the only true Law, a kind of a dictatorian power is to be allowed to her; whatsoever has any right to defend it selfe in time of danger is to resort to policy in stead of Law, and it is the same thing in the Replicant, *To deny to Parliaments recourse to reason of State in these miserable times of warre and danger, as to deny them self-defence.*

Many men, especially Lawyers, would fain have Law alone take place in all times, but for my part I think it equally destructive to renounce reason of State, and adhere to Law in times of great extremity, as to renounce Law, & adhere to Policy in times of tranquillity. Nothing has done us more harme of late, then this opinion of adhering to Law only for our preservation: & the King and his party though they are too wise themselves to observe Law at all, yet have wrought much upon the simpler sort of our side by objecting against us neglect of Law. Certainly as our dangers now are, it would bee good for us to adde more power to the Earle of *Essex* (if he be thought the worthiest man of Trust amongst us, as he has deserved no lesse estimation) for till I see him lookt upon, and served as a temporary Dictator, and the bounds of his Commission to bee only this; *ne quid detrimenti capiat Respublica cavere*: I shall never think the Parliaments safety sufficiently provided for.

To frame any Arguments, or reasons, or to offer proofes, that the Representative body of the Kingdome is a Counsell of State, rather then a Court of Justice, would shew me as foolish as the Replicant: 'tis impossible any man should doubt of it, that does think the being is to bee preferred before the well being; or that whole Nations have any interests either in their owne being or well being. Let our Adversaries triumph in their owne conceits, and when in the same case there is both matter of Law and State (as in the case of *Hull*, where the King had an interest rather in State then Law) let them upbraid us for declining of Law: I shall like that best which they dislike most in us: I wish we had not observed Law too farre, for they would never so farre recom-

mend it to us, did they not know it might be sometimes unseasonable.

As for acts of grace and pardon. I shall not much quarrel thereabout, the Parliament can best advise the King how far it is fit to passe a Law of oblivion in these generall times of confusion: And the Answerer of the *London* Petition affirmed nothing, but that their advise therein was likely to be most wholsome, which can hardly be contradicted.

And the Law is cleare enough that though the execution of Law be farre intrusted to the King, and there is a dispensing power in Him, so farre as he is supposed to be damnified or to be interested in the penalty; yet where crimes have been committed against the whole State, the King ought not, and where particular men have been injured, the King cannot suffocate, frustrate, or deny Justice. 'Tis against his Oath, 'tis against publike Liberty to deny satisfaction by stopping execution.

4. *But London is the most considerable part of the Kingdome and the Petitioners the best part of London; and the most to bee valued in other parts, are inclined to the same request for peace, therefore the Parliament ought to yeeld.*

When our Adversaries please, they can alledge numbers for their advantage, as if the Major part of the people were cordially on the Kings side: when they please they can give you reasons why the major part of the people are inchanted, and therfore cannot be on the Kings side; yet we all know the major part cannot be both for and against the King at the same time in the same case. Besides divide *England* into 3. parts, and we doe not allow *London* to be the major of those three, and divide *London* into 3. parts, and the Petitioners cannot make it appear, that they are full one third part; this must be attributed to our Replicants boldnesse meerly. That which is manifest, is, that most of the faulty, and decayed Nobility, and Gentry, are of the Kings party, and so are the Lees of the people; but almost all of the Yeomenry (which is the most considerable ranke of any Nation) and a very choyse part both of Nobility and Gentry at this time side against the King and the Papists: And it is impossible for any rationall man to imagine, that the King has not infinite advantages against the Parliament, if his cause be generally apprehended, as the more just: But sense teaches us the contrary, that no King in the unjustest cause that ever was, had a weaker party then this King, considering what courses he has taken. The King has an Army, and such an Army as is able to force and overawe all

all places where they lye, with swords drawne over the Pesants : but cursed be that man for my part, that next after God, would not referre the arbitration of this difference to the publike vote of the people. And yet we know that there is a great deal of servilty in the people, and that for the most part, they looke no further then to present grievances; like *Esau* in his Pottage bargain, chusing rather to dy for ever of a Lethargy then to sweat for a time under a Feaver.

5. All Controversies are determined either by the Dye of Force, and chance of War (for so Nations have ever censur'd that kind of tryall) or else they are concluded by Lawes justly interpreted, or else there is a middle way (which we call Accommodation) and that is commonly when to avoid the mischiefe of the Sword, and the uncertaine intricacie of Judgement, both parties by mutuall agreement condiscend equally to depart from the rigor of their demands on either side, and so comply, accommodate, and meet together upon termes as equall as may be. Whersoever then the word *Accommodation* is pressed, (as it is now with us in the *London* Petition, for the word Submission is not at all used) 'tis most absurd and contradictory to exclude a yeelding and compliance of both sides. See then the manifest unjustice of our Replicant, who when the matter of *Accommodation* onely is in Treaty, *yet urges us to a meere submission*, and taking it for granted that he is Judge, and that he has determined the matter for the King; *therfore the King ought not to condiscend, or comply at all, or leave any thing to the Parliaments trust, but must wholly be trusted in every point.*

6. The King requires to have preserved to him for the future that compasse of Royall power which his Progenitors have been invested with, and without which he cannot give protection to his Subjects.

The Parliament desires to have preserved to the Subject, peace, safetie, and all those priviledges which their Ancestors have enjoyed, without which they cannot be a Nation, much lesse a free Nation. Now the Militia and Posse of the Kingdome must be so placed, and concredited, and that the King may be as equally assured of it, as the Parliament, or else without all Accommodation the King must be left to the Fidelity and duty of Parliament, or else the Parliament must be wholly left to the Kings discretion, or rather to the Kings party. In this case what shall be done, the Parliament pleads that the King has resigned

himselfe too far into the hands of Papists and Malignants, from whom nothing can be expected but perfidie and cruelty; The King objects that the Parliament is besotted with Anabaptists, Brownists, Familists, and Impostors, from whom nothing can be expected but disloyalty and confusion. If the King here will grant any security against Papists and Malignants, the question is what security he will give; and if hee will give none, the question is how he can be said to seeke an Accommodation; so on the contrary, if the Parliament will undertake to secure the King, as that is granted, then what must that securance be. I will now take it for granted, that the King ought to abjure for the future the giving of countenance to Papists, or being counselled or led by them in State matters; as also to disband his Forces, and that the Parliament will doe the like, and abjure all dangerous Schismaticks and Heretieks. But for a further tye to strengthen this abjuration, and for a securance against Malignants, who are not yet so perfectly distinguisht on either side, what shall be the reciprocall caution or ingagement? Shall the King have all Forts, Ships, Armes, and Offices in his dispose? Shall the King assigne to what Judges he pleases, the division of our quarrels? or shall he trust his Parliament in the choise and Approbation of persons intrusted? I will not dispute this, I will onely say, that the nature of an *Accommodation* requires some condescending on both sides, and it is manifest injustice in the Replicant to prejudge the same, as unbeseeming the King more then the Parliament, and in all probability the Parliament is likely to condiscend upon more disadvantageous termes then the King; and is lesse lyable to be misled, and lesse apt to break a trust, then any one man.

7. *To shew that the Parliament is disaffected to an Accommodation, and the King not & that therefore a Petition to the Parliament is more proper & seasonable then to the King.* The Replicant *bitterly reviles the Parliament as having punished some for seeking peace, and as having rejected the Kings gracious offers of peace with termes of incivility below the respect due to a King.* What more damnable crimes can any man load the Parliament with, then with rebelling against the King first, & after rejecting officers of peace with foule and scandalous language? *Yet this the Replicant freely grants to himselfe,* and as if hee were placed in some tribunall above the Parliament, where all allegations and proofes were utterly superfluous, *he proceeds to sentence very imperiously.* For ought I know I am as reverable and unquestionable a judge in this case as hee is, yet I dare

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condemn nothing, but rash and presumptuous condemning of authority without prooses; and for that I have Scripture it selfe for my proofe. As for the Kings comming to *Brainford* in a mist, and during a Treaty, and there surprising men unprepared, and retiring againe upon the drawing up of our forces, that these are instances of seeking peace, and shewing favour to the city is not so cleare to my understanding as to the Replicants.

8. But sayes the Replicant, *you grant that the people may perhaps find out a better way of Accommodation* then you have *done, and you allow them to petition when you faile of your duty: And this must needs overthrow the strongest and most popular argument of your innocence and authority.*

The Parliament did never assume to have an absolute freedome from all failes or Errors, nor does detract from other mens knowledge, it vindicates nothing more then to bee lesse obnoxious to deceit and perverseneſſe then other Courts, and that the rather because it disdaines not any advise or reason from any parties whatsoever.

9. The Answerer demanded from the Petitioners a modell of an *Accommodation* to bee framed by them, for the better help and instruction of the Parliament. The Replicant satisfies that Demand: Hee makes two propositions thus; 1 *That the Parliament shall as readily consent to the Kings Rights as the King consents to theirs.* 2. *That the Reigne of Queen* Elizabeth: *may be the measure to determine those rights.* In this the Replicant is very reasonable; for we freely submit to both his propositions: but he is not so Politick as he thinks; for a submission to these generall propositions, will not determine any one of our Particular debates. Let us be safe, as wee were in Queen *Elizabeths* dayes, and let us be secured of our safety by the same meanes, as Queen *Elizabeth* secured us; That is, by shewing no countenance to Papists (much lesse admitting them as Counsellors, least of all as Governors in her highest Councells) let wise men generally loved and revered sit at the Councell Table, and let the Publick advise of Parliament sway above all private; let our Lawes be in the Custody of learned, and uncorrupt Iudges, and let our *Militia* be under the Command of such renowned Patriots, as shee preferred in her dayes; and our *Accommodation* is more ample, and beneficiall, then any we have yet desired. But our Replicant will suggest, *Be you such Subjects as Queen* Elizabeth *ruled*, and *King* Charles

Charles *will treat you, as Queen* Elizabeth *did her Subjects: doe you right first to the King and the King will not faile to doe right to you.* Here is now the maine Question indeed, which rightly solved, would solve all, whether these deplorable miseries, which have of late vexed and grieved our three Nations, have rather hapned from the Change of the People, or from the Change of the Prince.

And most certaine it is future Ages will conceive no great doubt, or difficulty to be in this Question: but now it is mortall to dispute it: it is scarce lawfull to suppose any thing herein, Though *supponere* be not *ponere* but by way of supposition, I will only plead thus: if the three Nations have by I know not what fatall posture, and Congresse of stars, or superior Causes, declined from their allegiance, and degenerated into unnaturall obstinacy, and turned recreant, and contrary to the sweet *Genius*, which was ever in their Ancestors, they are bound to submit to the King & to put in him as full and absolute a Trust, as our Parents did in Queen *Elizabeth*: but on the contrary, if miscarriages in government, and the pernicious Counsells whereby our Princes have been guided, have overwhelmed us in these inundations of blood, and mischiefes; the Alteration, and Reformation, ought to begin first in the King, and He cannot expect that we should trust him so farre as we did Queen *Elizabeth* untill we are assured as fully of his protection as we were of Queen *Elizabeths*; but suppose there have been faults on both sides, can nothing but the sword rectifie our faults? I never yet heard that any Prince was forced to a warre with any considerable part of his own Subjects, but that he had an unjust cause, or might have determined the strife without bloud by some Politick Complyance if he pleased. It is not so common or probable in nature, for Nations causlessly to rebell, as for Princes wickedly to oppresse: and when armes are taken up on both sides, it is not so safe for Subjects to yeeld, as for Kings; nor can Subjects so easily reduce Kings to a peaceable agreement, and cessation of Armes, as Kings may Subjects for the sparing of blood. Kings can make no composition almost dishonourable, or disadvantagious; but Subjects being falne into the indignation of revengfull Princes are necessitated commonly to this choyce, either to come forth with halters about their necks, or to fight upon great disadvantages. as Rebellious as the Subjects of *Rehoboam* were, a kind, nay, a Civill Answer might have retayned them in their allegiance, and

and yet if their termes had been full of insolence, and their Capitulations more unreasonable, yet *Salomon's* Councellors would have perswaded *Rehoboam* to yeild to necessity, and to master that multitude by some fineness of wit, which he could not Tame for the present by violence; And certainly he shewed not himself the Son of *Salomon*, that would not purchase an hereditary Empire over a gallant Nation by being a Servant for one day, that would quit his own policy, because the multitude had quitted their civilitie, that thought that Complyance which should gaine a sceptre more dishonourable, than that Contestation which should absolutly forfeit one. How easy had it been for the great, the wise, the terrible *Philip* of *Spaine*, to have prevented the totall defection of so many goodly Provinces in the *Netherlands*: and if it could not have been done without something which is ordinarily accounted below, a K. would not that have been more honourably done by him, then the casting away of so brave a Dominion, and the casting after that so much blood & treasure? That King of *France* was far wiser, and sped better, which satisfied himselfe in his strugling through many difficulties with this Maxime, That a Prince can loose no honour by any Treaty, which addes to his Dominion. Infinite instances might here bee alleadged, but they are needlesse. God send our King truly to represent these things to himselfe, and rather to trust plain, then pleasing advice. God open his eyes, that he may see how honorably, and easily he might heve preuented these calamities, and may yet stanch our bleeding wounds, and how much more difficult it is and unsafe for the Parliament to compose things unlesse he or rather his Party be equally disposed to hearken to peace. *Hen.* the 4. was as wise, as valiant, and as just a Prince as ever was Crowned in *England*, and no Prince ever had by experience a more perfect understanding of the English Genius: yet he in his death bed (where dissimulation uses to be laid aside) in his last advice to his own son and heire (whom it was not likely he would willingly deceive) deciphered the English Nation to be generally observant of their Princes, and whilst they were well treated, and preserved in Peace and plenty, most incomparable for their perfect inviolable loyalty, but of all nations the most unquiet under such a harsh rule, which should render them servile, poore and miserable.

This he had abundantly prooved, and found true by the wofull deposition of his unpolitick Kinsman and predecessor *Rich.* the 2.

and his own prosperous, and glorious Raigne, and many strange traverses of Fortune, which throughout his whole Raigne. He was forced to encounter withall. His scope therefore was to recommend to his sons charge this Nation both as dutiful, and as generous, of whose loyalty he needs not to doubt, so long as his Iustice was not to be doubted. O that this most Excellent Prince could bee againe summoned from his peacefull Monument to repeate the same advertissements in our Soveraignes eares, and to justle out of his presence these bloud thirsty Papists and Malignants, which use all possible art to staine the peoples loyalty, and to candy over all his actions, intending thereby not to reconcile the people by procuring grace from the King, but to confound both King and people, by fostering enmity between both? I will only adde this by such instigations, as our Replicant and his fellow Courtiers use, the King cannot be happy, but by the uncertainty of war, that is by making his subjects miserable: but such Traytors as I am, if our advise bee entertained, propose to the King a more certaine way to happinesse by Peace that is by making his subjects yet more happy; but our Replicant saith, *the King is willing to condescend to any thing, but you will admit of no reconciliation, except the King will remove those servants, whom he had found most honest and faithfull in his afflictions, and prefer you undeserving in their place.* Here is the grand knot indeed, we oppose such as have been the Counsellors or instruments of such and such designes: *the King, saith, they are his friends, and he cannot abandon his friends:* 'tis confest, the King ought not to abandon his friends, but the King may erre in the knowledge of friends: and as he ought to protect his friends, in whom he cannot err; so he is not bound to protect such as he meerly thinks his friends, and in whom if he will beleeve the voyce of the people, he is very much deceived. We have as much interest in the Kings friends and Counsellors as we have in our Laws, Liberties, lifes, any thing, for we know we can enjoy nothing if the King shall owne those for his friends, whom we know to be our enemies, and account of these as good Counsells, which we know to be treasons against the State, that Prince that will be arbitrary and rely upon his owne meer opinion, and discretion in the imployment of Counsellors and Ministers of State, having no regard to publique approbation therein, is as injurious altogether as he that will admit of no other Law, judge, nor rule

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in the propriety and liberty of his subjects, but his owne breſt only.

It will be replyed, not fancy, but ſenſe teaches this, that he that obeyes the Kings commands, and fights under the Kings Standart is more a friend than he that diſobeyes, and fight againſt the King: this is demonſtration, no error can be in it.

I anſwer no, 'tis moſt falſe, Scripture and reaſon manifeſt it to be moſt falſe.

Doeg did obey *Saul*, when all his other ſervants denyed obedience, yet even in that obedience he made himſelfe culpable, and his maſter abominable, whereas the other ſervants of *Saul* were dutifull in withholding an unlawfull duty.

So thoſe 3000 Souldiers which marched out after *Saul* to take away the life of juſt and uncondemned *David*, they were inſtruments in a baſe diſſervice to *Saul*, they are not to be juſtified for this ſervice; whereas thoſe 600 valiant men which accompanied *David* in his dangers and afflictions and were ready with their ſword drawn to guard that innocence, which *Saul* himſelf ſhould have guarded are not to be accounted falſe to *Saul* but true to *David*.

And the meere preſence of *Saul* on the one ſide, did not make the cauſe unjuſt on the other ſide, nor if himſelf had fallen by ruſhing oftentimes, upon defenſive weapons, could that horrid guilt of his death, have been imputed to any but to himſelf. Curſed therefore, yea thrice curſed be theſe miſcreants, which ingage the King in this war againſt the Parliam not without hazard of his ſacred Perſon, if they be private perſons and have not ſufficiency to decide this great controverſie betwixt the King and Parliament.

For my part I dare not pronounce ſentence, neither for nor againſt the Parliament, as the Replicant without all ſcruples doth in all places; but I may ſafely ſay, that if the King does, though in perſon, unjuſtly wage war againſt the Parliament; the E. of *Eſſex* and his Army may far more lawfully fight in defence of that ſupreame Court, than *David* and his followers did for the protection of one innocent private man.

And taking the controverſie as undecided, 'tis not apparent who fight for or againſt the King, and the King may himſelf as lawfully claime to be ſole ſupreme judge over all ſingle and univerſal perſons, and over all Laws and Courts, and in all caſes whatſoever, as to claime any man a Traitor for ſerving the Parliament in this war; and this if he claimes, what Priviledge remaines to Parliament, what

limits remaine to the Prince: what liberty remains to the Subjects?

'Tis not only then trayterous, but ridiculous in the Replicant to assume that supremacy to himself, which is denyed to the King by condemning the Parliament and justifying the Kings party in all passages of this War, we when we except against the Kings party, aspersе not at all the Kings person, and the Law it self makes ever a distinction betwixt the King and his agents: though our Replicant will not allow any such severance: but betwixt the Parliam. and its instruments no such severance is except for the worse, for there *pejor est author quam actor*, but sayes the Replicant. *'Tis the unhappinesse of the King that he hath a party, 'tis the fault of the Parliament, he desires and ought to have the whole.* See here 'tis the Parliaments fault that *Percy, Digby, Winter, Mountague, Crofts, Killegrew*, and many other of the Queens devoted Creatures are preferred in the Kings favour before the Parliament. And 'tis the Parliaments fault, that *Rivers, King*. and the Titular Count of the *Palatinate* with some other Irish Papists latly come over have the honour of the Court, command of the Camp, and spoyle of the Kingdom to reward them, whilst *Manchester, Hambden, Hollis, Pim, Strod, Haselrig*, are designed for the block, and that upon such charges, as shall intangle almost all the most eminent Gentry and Nobility, as well as them, *That this is the Kings unhappinesse is aggreed*, but that this is the Parliaments fault is not proved by the Replicant, and we are not bound alwayes to abate him proofes in matters of this consequence. Doubtlesse we are likely to expect great performances from Parliaments hereafter if it shall be guilt in them that they are rejected, and if they shall be rejected only because other more favoring Courtiers pretend better affection to the Kings private advantage.

The actions of Popish and Malignant Courtyers, cannot represent them more friendly to the K. than the Parliaments. No honour or prosperity has followed hitherto thereupon all their difference is that their single professions of Love are more credited, than such as are credited by the Votes of the Generality, and attestations of Parliament.

Howsoever though many men do think, private advise and testimony, to be more valuable, and fit for Princes to hearken too, then publick, I never till now heard, that it was a fault or blame in Parliaments to be lesse valued or accepted then private persons.

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To what purpose is it said? *that the King ought to have the Whole*: t is our complaint that the King will not accept of the whole: and t is the Replicants complaint, that the King is not suffered to in-oy the whole. This shall reconcile all: let the whole be received as he whole; and every part as it is Major, or Minor be entertained n grace and equipage proportionably, and this difference is com-oosed.

10 But sayes the Replicant, *the Kings party is the more just, and herefore to be preferred, and this is to be judged of by rule; as thus, the Parliament intrenches upon our Liberty by imprisoning without cause, ccording to pleasure and claimes to be unquestionable therein: The Par-iament intrenches upon Religion by committing our best Professors, and lanting Sectaries in their stead, the Parliament proceeds according to eason of State, not Law: and this places an arbitrary power in them; nd makes ordinances equall to acts of Parliament.*

Heare in a breif summe all that ever has been spoken, or can be poken against the Parliament; and all this is grounded upon an un-granted proposition, that the Parliament has no right to defend it lf: For if it be lawfull for both Houses of Parliament to defend hemselves, it must of necessity follow, that they may and must im-rison, levye moneyes, suppresse seditious preachers, and make use f an arbitrary power according to reason of State, and not con-ine themselves to meere expedients of Law. Enough has been said f this, 'tis impossible that any wise man should be opposite herein, nd the Kings party have more recourse to reason of State, and ar-itrary power by far than we have.

But if it be said, *that the Houses* abuse arbitrary power in imprison-ng, levying moneyes &c. causelesly; this is a false calumny, and not o be granted without particular and pregnant proofes, of which he Replicant produces none at all, were it not for this great noise nd boast of Arbitrary power, our Academians would want matter o stuffe their innumerable pamphlets withall: and the sillyer sort f Malignants would want fuell to feed their enmity.

And yet we know, Arbitrary power is only dangerous in one man or in a few men, and cannot be so in Parliaments at any time; much lesse in times of publick distresse: for then it is not only harm-esse, but necessary.

The House of Commons without the other States hath had an ar-itrary power at all times, to dispose of the treasure of the King-lome, and where they give away one subsidy, they may give 20;

and where they give 50000l at one subsidy they may give fifty times so much, and all this whether war or peace be.

Yet when did either King or Subject complaine of this arbitrary power? Nay if any parts of the Kingdom have repined at the abuse of this arbitrary power, and refused to pay subsidys assessed by the house of Commons, what Kings would suffer it? when was it not held a good ground of War? so both Houses have an arbitrary power to abridge the freedom of the Subject, and to inlarge the Kings prerogative, beyond a measure; they may repeale our great Charter, the Charter of Forrests, and the petition of right if they please, they may if they please subject the whole Kingdom for ever to the same arbitrary rule as *France* grones under, nay, & they have often been with force and all manner of sollicitations almost violented into it: and yet notwithstanding all this, we are neither terrifyed nor indangered at all by this arbitrary power in both houses.

To have then an arbitrary power placed in the Peers and Comm. is naturall and expedient at all times, but the very use of this arbitrary power, according to reason of State, and warlick policy in times of generall dangers and distresse is absolutely necessary and inevitable: but 'tis a great offence, *that both Houses should make ordinances generally binding.*

They, which would take from us all meanes of defence; if they could dispute us out of the power of making temporary Ordinances had their wils upon us, for defence without some obliging power to preserve order, and to regulate the method of defence, would be vaine and absurd; but this is but one branch of arbitrary power and reason of State, and to wast time in proving it necessary in times of extremity, if defence be granted lawfull, were childish and ridiculous.

I have now done with the Replicant, so far as he hath spoken to the matter, I should now come to his emergent, strange, calumnious speeches, against the persons of such and such men, but this were *Caninos rodere dentes.* I forbeare it, only rehearsing some raylings, which need no answer but themselves.

The two houses are generally railed at, *as guilty of Rebellion against the King.* All adherents to Parliament are railed at, *as Anabaptists, Separatists, &c.* The Lord Major is railed at, for preventing bloudshed in the City, when the Petitioners under the pretence of seeking for Peace, had many of them plotted dissention, and this his Office is *stiled the stiffling of peace in the womb.*

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The City Preachers are railed at, for satisfying our Consciences in the justifiableness of a defensive war, for this they are charged to *fight against the King in the feare of God, and to turn the Spirituall Militia into weapons of the flesh.* The framer of the Answer is rayled at for giving the Petitioners just satisfaction in peaceable language. *Though his words be confessed to be softer than oyle,* yet 'ts said, *that the poyson of Aspes is under his lips;* he is called a *Catiline, the firebrand of his Countrey, whose sophistry and eloquence was fit to disturbe a State, but unable to compose or setle it.*

The judgment of all these things is now submitted to the world, what the intent of the Petition was, in some master-plotters and contrivers of it, will appeare by the arguments of this fell Replicant. Whereby it is now seconded. That the name of an Accomodation was pretended to force the two Houses under colour therof, to cast themselves upon a meer submission, or to be made odious, and lookt upon as foes to peace, which was a *Scilla* on one side, and *Charybdis* (on the other) is here manifested. Whether the Answer to the Petition savour of so much malice and enmity to peace, as this Replication does, let indifferent men censure,

Lastly, whether the soule of that man which thirsts for a firme Peace, may not dislike these practises of pretending to it; and the soule of that man which hates peace, may not make advantage of the name of peace, let all wise men proveand examine.

FINIS.